



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,131	07/11/2001	Wright J. Nee	ROC920000321US1	9531
7590		06/09/2008		
James R. Nock				
IBM Corporation, Dept. 917				
3605 Highway 52 North				
Rochester, MN 55901-7829				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
06/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/903,131

Applicant(s)

NEE, WRIGHT J.

Examiner

THJUAN K. ADDY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 03/19/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6,374,177), in view of Marrah et al (US 6,728,522), in view of De Bonet et al (US 6,985,694), and in further view of Schwob (US 4,969,209).

5. In regards to claims 1, 26, 29, 30, 31, 32, 35, 39, and 41, Lee discloses an apparatus, method, and product for selecting broadcast signals (See Abstract, col. 5-6 lines 60-8, and col. 6 lines 39-57), the apparatus, method, and product comprising: a tuner for receiving a plurality of live AM/FM broadcast signals having multiple program formats from a plurality of AM/FM broadcast sources (See col. 2 lines 21-25, col. 6 lines 39-49, col. 6 lines 53-57, and col. 11 lines 44-50), a memory, the memory including: a current location of the receiver (See col. 11 lines 51-61), and a processor coupled to the tuner and the memory for selecting a group of live AM/FM broadcast signals from the plurality of live AM/FM broadcast signals having multiple program formats based on a predetermined selection criteria (See col. 2 lines 21-25, col. 6 lines 39-49, col. 6 lines 53-57, and col. 11 lines 44-50). Lee, however, does not disclose a database of broadcast sources for a plurality of broadcast locations, wherein the selection criteria includes the plurality of receivable broadcast signals, and the current location of the receiver. Marrah, however, does disclose a database of broadcast sources for a plurality of broadcast locations (See col. 5 lines 45-50), wherein the selection criteria includes the plurality of receivable broadcast signals (See col. 3 lines 5-9 and col. 3 lines 45-59), and the current location of the receiver (See col. 3 lines 36-44 and col. 4 lines 17-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of

tailoring advertisements/entertainment/music to a single listener's interest for real-time audio broadcasts. However, neither Lee nor Marrah, disclose a set of listener preferences. De Bonet, however, does disclose a set of listener preferences (See col. 3 lines 19-29, Fig. 5, col. 11 lines 37-48, and col. 12-13 lines 56-8). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a listening system that is customizable based on the user's preferences and demographics, by allowing a user to select the format and content to be provided within the radio broadcast (See col. 1-2 lines 66-3). Lee, Marrah, or De Bonet, however, do not specifically disclose a local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations and wherein a group of live AM/FM broadcast signals is selecting from the plurality of live AM/FM broadcast signals based on local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations. Schwob, however, does disclose a local database (e.g., database stored in the ROM chip 3) of AM/FM broadcast sources (e.g., frequencies of broadcast stations, such as AM and FM) for a plurality of AM/FM broadcast locations (e.g., geographical location) and wherein a group of live AM/FM broadcast signals is selecting from the plurality of live AM/FM broadcast signals based on local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations (See Abstract, col. 5 lines 21-27, col. 6 lines 28-36, col. 6-7 lines 63-9, col. 7-8 lines 65-14, and col. 10 lines 35-47). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a broadcast receiver having data pre-stored in a

memory means representing a plurality of identifying attributes of a number of broadcast stations, and cooperating with computer means to permit a user to cause the receiver to scan a broadcast band until a station with one of those identifying attributes selected by the user, format for instance is received.

6. In regards to claims 3, 28, and 40, Marrah discloses all of claims 3, 28, and 40 limitations, except the apparatus and method, wherein the local database of AM/FM broadcast sources further includes program formats for the plurality of AM/FM broadcast locations. Schwob, however, does disclose wherein the local database of AM/FM broadcast sources further includes program formats for a plurality of broadcast locations (See col. 2 lines 67-68, col. 5 lines 21-27, and col. 8 lines 7-14).

7. In regards to claim 4, Marrah discloses all of claim 4 limitations, except the apparatus, wherein the current location of the receiver is entered by the listener. De Bonet, however, does disclose wherein the current location of the receiver is entered by the listener (See col. 9-10 lines 67-1 and col. 12-13 lines 56-8).

8. In regards to claims 5, 6, and 38, Marrah discloses all of claims 5, 6, and 38 limitations, except the apparatus and method, wherein the current location entered by the listener is a zip code. De Bonet, however, does disclose wherein the current location entered by the listener is a zip code (See col. 11-12 lines 65-5 and col. 12 lines 30-37).

9. In regards to claim 7, Marrah discloses all of claim 7 limitations, except the apparatus, wherein the current location entered by the listener is a city name. De

Bonet, however, discloses the apparatus, wherein the current location entered by the listener is a city name (See col. 11 lines 15-22 and col. 13 lines 9-20).

10. In regards to claim 8, Marrah discloses all of claim 8 limitations, except the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus. De Bonet, however, does disclose wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 9-10 lines 67-1 and col. 12-13 lines 56-8).

11. In regards to claim 9, Marrah discloses all of claim 9 limitations, except the apparatus, wherein the current location entered by the listener is entered via voice input. Marrah, however, does disclose the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 3 lines 1-10), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system as a way of providing to the listener another method of entering the current location.

12. In regards to claims 10 and 36, Marrah discloses the apparatus and method, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver (GPS receiver 40) integral to the apparatus (See col. 3 lines 41-44).

13. In regards to claim 11, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver external to the apparatus (See col. 4 lines 30-41).

14. In regards to claims 12 and 13, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a cellular phone integral to the apparatus (See col. 2 lines 59-63).

15. In regards to claim 14, Marrah discloses all of claim 14 limitations, except the apparatus, wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module. Schwob, however, does disclose wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module (e.g., ROM chip 3) (See col. 6-7 lines 63-9 and col. 10 lines 35-47).

16. In regards to claims 15, 16, and 17, Marrah discloses all of claims 15, 16, and 17 limitations, except the apparatus, wherein the local database of AM/FM broadcast services is provided to the receiver by a CD-ROM disc, a CD-RW disc, or a writable DVD. Marrah and Schwob, however, do disclose the apparatus wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module (See col. 5 lines 45-50, of Marrah and col. 6-7 lines 63-9 and col. 10 lines 35-47, of Schwob).

17. In regards to claims 18 and 27, Marrah discloses the apparatus, wherein the apparatus further includes an I/O port for transferring information from an external device to the apparatus (See col. 3 lines 31-44 and col. 4 lines 30-41).

18. In regards to claim 19, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wired connection (See col. 2 lines 52-59).

19. In regards to claims 20, 21, and 22, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wireless connection (See col. 2 lines 59-63).
20. In regards to claim 23, Marrah discloses all of claim 23 limitations, except the apparatus, wherein the external device is a personal digital assistant (PDA). De Bonet, however, does disclose wherein the external device is a personal digital assistant (PDA) (See col. 8 lines 15-18).
21. In regards to claim 24, Marrah discloses all of claim 24 limitations, except the apparatus, wherein the external device is a personal computer (PC). De Bonet, however, does disclose wherein the external device is a personal a personal computer (See col. 8 lines 15-18).
22. In regards to claim 25, Marrah discloses all of claim 25 limitations, except the apparatus, wherein the external device is a wireless phone. De Bonet, however, does disclose wherein the external device is a wireless phone (See col. 8 lines 15-18).
23. In regards to claim 33, Marrah discloses the apparatus, wherein the receiver (GPS receiver 40) is mounted within a mobile vehicle (See Fig. 2).
24. In regards to claims 34 and 37, Marrah discloses all of claims 34 and 37 limitations, except the apparatus and method, wherein the receiver is a hand-held device. De Bonet, however, does disclose wherein the receiver is a hand-held device (See col. 8 lines 15-18).

Response to Arguments

25. Applicant's arguments with respect to claims 1 and 3-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyake et al. (US 5,802,066) teach a multiplex broadcast receiving method and receiver with program type memory. Kimura et al. (US 5,819,166) teach a receiving apparatus having a database containing broadcasting-station information.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614